

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

COLIN M. RANDOLPH,  
  
Plaintiff,  
  
v.  
  
HALL, et al.,  
  
Defendants.

Case No. 1:20-cv-01434-JLT-SKO (PC)

**ORDER GRANTING DEFENDANTS'  
REQUEST FOR AN EXTENSION OF TIME  
WITHIN WHICH TO FILE A REPLY TO  
PLAINTIFF'S OPPOSITION TO MOTION  
FOR SUMMARY JUDGMENT**

(Doc. 29)

Plaintiff Colin M. Randolph is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's First Amendment retaliation claims against Defendants Hall and Isais.

**I. RELEVANT PROCEDURAL BACKGROUND**

On September 11, 2023, Defendants filed a motion for summary judgment addressing the merits of Plaintiff's claims. (Doc. 23.)

On September 26, 2023, the Court granted Plaintiff's request for an extension of time within which to file his opposition to Defendants' motion for summary judgment. (Doc. 26.)

On October 5, 2023, Plaintiff filed an opposition to Defendants' motion for summary judgment. (Doc. 27.)

1 On October 13, 2023, Defendants filed an Ex Parte Application for Extension of Time to  
2 File A Reply In Support of Defendants' Motion for Summary Judgment. (Doc. 29.)

3 **II. DISCUSSION**

4 Defendants seeks an extension of time through November 6, 2023, within which to file a  
5 reply to Plaintiff's opposition to Defendants' motion for summary judgment. (Doc. 29.) Defense  
6 counsel Jason Torres states he has exercised reasonable diligence in this matter and maintains  
7 many active cases, with current or quickly approaching deadlines, including responses to  
8 voluminous discovery requests, preparation for upcoming settlement conferences, responding to a  
9 "Motion to Stay a Motion for Summary Judgment" in another matter, and various other tasks  
10 requiring his attention. (*Id.*, at ¶¶ 4-5.) Counsel also contends Plaintiff's opposition to the motion  
11 for summary judgment "makes several allegations which are new and must be investigated  
12 further." (*Id.*, at ¶ 6.) Defense counsel contends Plaintiff did not mention certain individuals he  
13 now claims "told him he was placed in the cell as retaliation" during his deposition. (*Id.*) Despite  
14 testifying at his deposition that he could not recall "anything about the [legal] material"  
15 confiscated from his cell and not returned, Plaintiff now claims to have declarations from nine  
16 individuals employed in a correctional or medical capacity. (*Id.* at ¶ 7.) Defense counsel was able  
17 to contact two of the individuals thus far who stated "they have no recollection of every providing  
18 Mr. Randolph with a declaration." (*Id.*, at ¶ 8.) Defense counsel is also attempting to contact the  
19 other potential witnesses and has been informed that at least three have "left or retired from  
20 CDCR." (*Id.*) Defense counsel asserts "this new evidence, not previously provided during the  
21 discovery period, requires additional time to investigate, so that Defendants can properly reply to  
22 Plaintiff's Opposition." (*Id.*, at ¶ 9.) Thus, Defendants seek an extension of time to November 6,  
23 2023, within which to file a reply to Plaintiff's opposition to their motion for summary judgment.  
24 (*Id.*, at ¶ 10.)

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1           **III. CONCLUSION AND ORDER**

2           Good cause appearing, **IT IS HEREBY ORDERED** that Defendants' request for an  
3 extension of time within which to file a reply to Plaintiff's opposition to Defendants' motion for  
4 summary judgment (Doc. 29) is **GRANTED**. Defendants **SHALL** file their reply no later than  
5 **November 6, 2023**.

6  
7 IT IS SO ORDERED.

8 Dated: **October 17, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE